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Time: Jul 7, 2021 06:45 PM

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Meeting ID: 875 3914 4491

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**7:00 P.M. – PUBLIC HEARING  
TOWN HALL MEETING ROOM**

**Proposed Ordinance to Prohibit the Intentional  
Feeding of Bears**

**TOWN OF GRANBY  
BOARD OF SELECTMEN  
SPECIAL MEETING  
WEDNESDAY, JULY 7, 2021  
VIA ZOOM OR IN PERSON AT  
THE TOWN HALL MEETING ROOM  
7:15 P.M. OR IMMEDIATELY FOLLOWING PUBLIC HEARING  
AGENDA**

**NOTE: WEARING A FACE MASK AND SOCIAL DISTANCING IS RECOMMENDED.**

**I. MINUTES**

- A. Approval of Special Meeting Minutes - June 8, 2021  
Special Meeting Minutes - June 14, 2021

**II. UNFINISHED OR TABLED BUSINESS**

**III. BUSINESS**

- A. Resignations and Appointments  
Vacancies: (2) Conservation Commission; Affordable Housing Committee (7)
- B. Consideration of Additional Appropriation from Parks & Recreation Fund for the Small Playground at Salmon Brook Park
- C. Consideration of Action Pertaining to the Ordinance Prohibiting the Intentional Feeding of Bears
- D. Consideration of Establishing a Special Revenue Fund for the American Rescue Plan Act of 2021 (ARPA)
- E. Consideration of Personnel Matters (Items Deemed Appropriate for EXECUTIVE SESSION)
- F. Consideration of Ratification of Collective Bargaining Agreement United Public Service Employees Union – Granby Public Safety Dispatchers

**IV. TOWN MANAGERS REPORT**

**V. FIRST SELECTMAN REPORTS (B. Scott Kuhnly)**

**VI. SELECTMAN REPORTS**  
**(Sally S. King, Mark C. Neumann, Edward E. Ohannessian, Glenn G. Ballard)**

**VII. ADJOURNMENT**

The next regular meeting is scheduled for July 19, 2021.

**TOWN OF GRANBY  
BOARD OF SELECTMEN  
SPECIAL MEETING MINUTES  
JUNE 8, 2021**

The special meeting of the Board of Selectmen was called to order by First Selectman B. Scott Kuhnly at 7:00 p.m.

**PRESENT:** Glenn Ballard, Sally King, Mark Neumann, Edward Ohannessian, William F. Smith, Jr., Town Manager

**ALSO PRESENT:** Kimi Cheng, Director of Finance

**I. PLEDGE OF ALLEGIANCE**

**II. PUBLIC SESSION**

Selectman Ballard requested the public be allowed to speak during the Board's discussion on feeding of wildlife, similar to the last meeting. Selectman King noted the public will be allowed to speak after the Board of Selectmen.

Granby residents Sofia Heller and Max Fitzsimmons spoke in favor of an ordinance that would help stop the feeding of bears. They stated when individuals feed the bears; the bears won't learn to hunt for themselves. It is not healthy and they can become dangerous.

Valerie Eastwood, 10 Haven Drive - Ms. Eastwood reported her dog Murphy is doing well after all his surgeries as a result of the bear attack. There are no more veterinary appointments scheduled. So far, the total cost of medical care for Murphy is \$14,000. She feels an ordinance banning the feeding of wildlife is the easiest solution.

Elizabeth Hardersen, 41 Twilight Drive - Ms. Hardersen has an interest in a bear resistant trash barrel. She feels an ordinance will give the Animal Control Officer the tools she needs.

Rich Kirschbaum, 147 Silkey Road - Mr. Kirschbaum feels there needs to be something to discourage people from feeding bears.

Laura Milne, 220 Mountain Road - Ms. Milne reported she lives next door to the bear feeder. She lives it every day. It is stressful, alarming and scary and she can't enjoy her property. She can see up to ten bears on any given day walking through her yard looking for their food source. The bears are not afraid of us anymore and she is worried about her property value.

Anna Sogliuzzo, 15 Olde Orchard Road - Ms. Sogliuzzo believes something needs to be done soon and doesn't understand why the nuisance ordinance wouldn't work. She has concerns that the Town may be liable if some kind of accident were to occur.

Daniel P. Brown Jr., 16 Broad Hill Road - Mr. Brown is familiar with bears in his yard. He noted habituated black bears are a very dangerous thing. There should be a provision with a progressive series of fines when it comes to feeding bears. Protecting the town with an enforceable ordinance at any cost should be considered and it is a service the Town can provide.

Meg Bunz, 234 Mountain Road - Ms. Bunz shared stories of two incidents regarding the individuals who encountered bears while on or near her property. They were frightened and shaking. She would like to find a workable solution so everyone feels safe.

Shawn Wilmington, 10 Orchard Hill Drive - Mr. Wilmington stated he has been dealing with this for two years and would like feedback from the Selectmen. He would like to know why something hasn't been done and would like to see the Board take some action tonight.

Geoffrey Milne, 220 Mountain Road - Mr. Milne noted the Blight Ordinance is enacted for public health and safety. The Town may already have a mechanism in place.

Rick Orluk, 106 Higley Road - Mr. Orluk, President of the Granby Land Trust, stated the board sent a letter to all of the Selectmen. He noted hikers are concerned about their safety and he is in support of an ordinance.

Mr. Small, 152 Silkey Road - Mr. Small noted he had lived in Maine all his life and never saw a bear until he moved to Granby four years ago. Something needs to be done to protect Town citizens.

Jill Small, 152 Silkey Road - Ms. Small stated people are frustrated and for the public safety, she would like to see an ordinance enacted.

Erin Mueller, 145 Silkey Road - Ms. Mueller lives two doors in from Mountain Road and their yard has become a path for the bears. Her children will not play outside and they don't feel safe in their own backyard.

Maggie Percival, 6 Strawberry Fields - Ms. Percival stated after the number of Public Hearings, petitions and letters to the editor, she would like to see the Selectmen do their job and protect the citizens.

Bill Regan, 62 Hungary Road - Mr. Regan noted he agrees with the last several speakers. It is an abomination the Selectmen can't make a decision.

Thomas Bunz, 234 Mountain Road - Mr. Bunz feels the message is clear and it is time to move forward with an ordinance. Simsbury and Hartland have ordinances in place and two years of deliberations has been enough. There is no reason to continue to talk about this and the Board needs to make a decision.

Rhonda Day, 79 Lost Acres Road - Ms. Day and her husband have been in Town three years. She no longer has bears in her yard since they are getting their food elsewhere. She believes something should be done before a tragedy occurs.

### **III. MINUTES**

ON A MOTION by Selectman Neumann seconded by Selectman Ohannessian, the Board voted unanimously (4-0-0) to approve the minutes of the regular meeting of May 17, 2021.

ON A MOTION by Selectman Neumann, seconded by Selectman Ohannessian, the Board voted unanimously (4-0-0) to re-order the agenda, placing item V.H. to be discussed after Selectmen Reports.

#### **IV. UNFINISHED OR TABLED BUSINESS**

##### **A. Further Discussion on Feeding of Wildlife (Bears)**

Selectman King noted at the last Board meeting, the Selectmen discussed their views on an ordinance against feeding wildlife and did not vote at that time. She asked for the Board's thoughts after the additional information presented this evening. Selectman Ballard asked for clarification on filing a law suit versus having an ordinance. Town Attorney Roberts explained it is easier to go to court when an ordinance is in place and then proceed with a suit. Without an ordinance, it is more difficult to get into court and the argument could be there isn't a guideline stating the person is doing something that is prohibited. It is important to have a paper trail of what the person has done and they are aware they are violating the ordinance. Selectman Ballard also inquired if Attorney Roberts is aware of any precedent of a municipality or court issuing an injunction. He has not seen it yet in bear feeding situations but has seen it in blight cases and the court supports the municipality in public health and safety issues.

Selectman Ohannessian clarified to residents that the Board is not delaying this. The Board represents the whole Town and they are trying to make the best decision. He agreed there is a problem and his concern is regarding enforcement and what is the ultimate enforcement to stop this woman on Mountain Road from feeding the bears. Attorney Roberts noted each incident of feeding the bears is a separate violation and a fine is applied. The process would be fines, a judgement, lien, and then a law suit for willful violation of the ordinance.

Town Manager Smith mentioned that 90% of people will adhere to paying a fine and will stop. The maximum fine is \$250 a day. Selectman Ohannessian suggested the ordinance should include the subject would be responsible to pay the lien cost and fees. It was suggested to tweak the Simsbury ordinance to fit our needs. Selectman Neumann indicated the increasing bear population also needs to be addressed by the State. It was noted that intentional and unintentional feeding would be included in the ordinance.

Selectman King and Town Manager Smith both spoke of the procedures they need to follow according to the Town Charter. A Public Hearing requires 10 day notice of which shall be given by publication in a newspaper.

ON A MOTION by Selectman Neumann, seconded by Selectman Ohannessian the Board voted unanimously (4-0-0) to approve Town Manager Smith to work with Attorney Richard Roberts to draft an ordinance.

##### **B. Board of Education (BOE) Resolution Adoption – The State has requested a revision to the resolution previously adopted by the Board at their meeting on 4/19/2021**

**RESOLVED**, that the *Town of Granby Board of Selectman* authorizes the *Granby* Board of Education to apply to the Commissioner of Administrative Services and to accept or reject a grant *for Phase 1: alterations at Granby Memorial High School that includes the construction of a*

*kitchen and reconfiguration of the cafeteria, choral and instrument areas as well as the Granby Memorial High School Roof.*

(2) **RESOLVED**, that the *School Project Building Committee* is hereby established as the building committee with regard to *Phase 1: alterations at Granby Memorial High School that includes the constructions of a kitchen and reconfiguration of the cafeteria, choral and instrument areas as well as the Granby Memorial High School Roof.*

(3) **RESOLVED**, that the *Town of Granby Board of Selectman* hereby authorizes at least the preparation of schematic drawings and outline specifications for *Phase I: alterations at Granby Memorial High School that includes the construction of a kitchen and reconfiguration of the cafeteria, choral and instrument areas as well as the Granby Memorial High School Roof.*

ON A MOTION by Selectman Ohannessian, seconded by Selectman Neumann, the Board voted unanimously (4-0-0) to adopt the revised Board of Education (BOE) Resolution.

## **V. BUSINESS**

### **A. Resignations and Appointments to be Considered**

ON A MOTION by Selectman Neumann, seconded by Selectman Ohannessian, the Board voted unanimously (4-0-0) to approve the appointment of Richard Alger, 15 Creamery Hill Road to the Greater Hartford Transit District Board of Directors as Granby's representative.

### **B. Consideration of Affordable Housing Plan Committee**

According to Connecticut General Statutes, each municipality is required to prepare and adopt an affordable housing plan for the municipality. Granby is required to adopt a plan by July 2022.

ON A MOTION by Selectman Neumann, seconded by Selectman Ohannessian, the Board voted unanimously (4-0-0) to create an Affordable Housing Committee.

The committee shall prepare an Affordable Housing Plan pursuant to the requirements of Section 8-30j of Connecticut General Statutes. Such plan shall be presented to the Board of Selectmen for review and approval to enable adoption prior to the July 2022 deadline.

The committee composition shall consist of seven members:

- One (1) representative from the Board of Selectmen
- One (1) representative from the Commission on Aging
- One (1) representative from the Development Commission
- One (1) representative from the Planning & Zoning Commission
- Two (2) additional members from the public

### **C. Consideration of Solid Waste Fund Additional Appropriation for Bear Resistant Trash Barrels and Recycling Flyer**

Due to the increasing population of bears, residents have been purchasing bear resistant barrels at a one-time fee of \$230 since 2020. The Department of Public Works (DPW) continues to receive calls requesting the barrels and there is currently a waitlist for interested residents. To purchase 54 more barrels the cost would be 54 barrels @ \$235 and \$3,050 for freight with a total cost of \$15,740.

In addition, there is a major concern with the recycling program and the level of contamination in the recycling stream. In the past year, two recycling loads were rejected resulting in the load being considered trash and the Town being charged for tipping fees. To help educate residents and hopefully reduce the amount of contamination, DPW would like to prepare a flyer reiterating the recycling guidelines and include it in the September edition of the Drummer. Printing of the flyer is \$550 and Drummer fees are \$375 with a total cost of \$925.

The Solid Waste Fund has sufficient funds to cover this additional appropriation with a balance of \$344,585 for FY 2020.

ON A MOTION by Selectman Neumann, seconded by Selectman Ohannessian, the Board voted unanimously (4-0-0) to authorize an additional appropriation of \$16,665.00 from Solid Waste Sanitation Fund balance to fund the purchase of 54 bear resistant trash barrels and printing of recycling flyer and forwards this request to the Board of Finance to approve.

**D. Consideration of Additional Appropriation for Other Post-Employment Benefits Trust fund for FY 2021-22 Actuarial Determined Contribution**

The adopted FY22 budget included a one-time \$2,000,000 transfer from the General Fund to OPEB Trust Fund for the FY23 to FY26 OPEB Actuarial Determined Contributions and the adopted FY22 budget also included FY21 OPEB Actuarial Determined Contribution of \$342,223 in the General Fund Operating Budget.

Due to budget limitations, FY22 OPEB Actuarial Determined Contribution was not budgeted in the FY22 Adopted Budget. It was decided that funding would be requested at the end of the year. There is now a request for funding of \$431,000 from the General Fund to OPEB Trust Fund for FY22 OPEB Actuarial Determined Contribution.

ON A MOTION by Selectman Neumann, seconded by Selectman Ohannessian, the Board of Selectmen authorizes an additional appropriation of \$431,000.00 from General Fund Balance to fund fiscal year 2021-2022 OPEB Actuarial Determined Contribution and forwards this request to the Board of Finance to approve.

Selectman Ballard asked for clarification of the transfer figure of \$431,000. After much discussion with Town Manager Smith and Director of Finance Cheng, it was decided to table the discussion.

ON A MOTION by Selectman Neumann, seconded by Selectman Ohannessian, the Board voted unanimously (4-0-0) to table the discussion.

**E. Consideration of Budget Amendment for Contribution to Dog Fund**

As a result of a negative Dog Fund balance in June 2020, it was recommended to increase the Contribution to Dog Fund to \$15,000 in the FY22 proposed budget. Due to budget limitations it was decided during budget workshops a transfer would be requested at year end.

It is requested to reallocate \$7,500 from the Worker's Compensation line item in Insurance Department to the Contribution to Dog Fund line item in Police Operations & Communications Department.

ON A MOTION by Selectman Neumann, seconded by Selectman Ohannessian, the Board voted unanimously (4-0-0) to approve increases of Worker's Compensation line item in Insurance Department and contribution to Dog Fund line item in Police Operations & Communications Department by \$7,500 and forward this request to the Board of Finance to approve.

**F. Consideration of Communications Fund Additional Appropriation for Upgrade to Communication Systems**

The Radio Communication Committee has met several times to consider proposals presented for upgrading the Town's communications systems (Fire, Police, Ambulance, Public Works, and School). The committee recommended the study be given to MARCUS Communications. In addition to providing complete reviews and specifications for all our agencies, an analysis concerning a regional approach for our agencies will be done as well. The time table is 60 to 90 days and the estimated service fees are \$25,000. The regional analysis will be an additional cost at \$150/hour for a week or so to see if there is any benefit to regionalize.

ON A MOTION by Selectman Neumann, seconded by Selectman Ohannessian, the Board voted unanimously (4-0-0) to authorize an additional appropriation of \$25,000 from Communications Fund Balance to fund the service fees for upgrade to communications system, and forwards this request to the Board of Finance to approve.

**G. Consideration of Sewer Allocation for Development at 2 and 3 Murthas Way – BOS to convene as the Granby Water Pollution Control Authority (GWPCA)**

ON A MOTION BY Selectman Neumann, seconded by Selectman Ohannessian, the Board voted unanimously (4-0-0) to recess as the Board of Selectmen and convene as the Granby Water Pollution Control Authority (GWPCA) at 9:00 p.m.

In 2017, a sewer allocation of 31,290 gallons per day was approved for the development at 2 and 3 Murtha's Way. An application was recently submitted to the Planning and Zoning Commission seeking to modify the approval. The developer applied to the Commission to convert some of the single family homes to duplexes. The development as modified would consist of 130 apartment units, 19 single family homes, and 56 duplex units for a total of 205 housing units. The application was approved by the Commission at the April 27, 2021 meeting.



The developer has requested an increase of 3,290 gallons per day for a total of 34,580 gallons per day for the development. It has been reviewed by the Town Engineer and determined there is capacity to accommodate the request.

ON A MOTION by Selectman Neumann, seconded by Selectman Ohannessian, the GWPCA voted unanimously (4-0-0) to approve a sewer allocation increase of 3,290 gallons per day for the development at 2 and 3 Murtha's Way.

ON A MOTION by Selectman Neumann, seconded by Selectman Ohannessian, the GWPCA voted unanimously (4-0-0) to adjourn as the GWPCA and reconvene as the Board of Selectmen at 9:05 p.m.

**H. Consideration of Personnel Matters (Item deemed Appropriate for EXECUTIVE SESSION)**

Item reordered to follow Selectmen reports.

**VI. TOWN MANAGER REPORTS**

**A. Town Manager Recruitment**

Town Manager Smith reported ads and on-line notification went out last Wednesday for the Town Manager position. The deadline is at the end of the month.

**B. Kearns School Update**

No update at this time. They are still in negotiations with a client.

**VII. FIRST SELECTMAN REPORTS (B. Scott Kuhnly)**

No reports.

**VIII. SELECTMAN REPORTS (Sally King, Vice Chairman; Glenn Ballard, Mark Neumann, Edward Ohannessian and Student Liaison)**

No reports.

Meeting was adjourned to EXECUTIVE SESSION at 9:10 p.m.

**EXECUTIVE SESSION**

Selectman King called the executive session of the Board of Selectmen to order at 9:10 p.m.

**PRESENT: Glen Ballard, Sally King, Mark Neumann, Ed Ohannessian, William F. Smith Jr., Town Manager, Kimi Cheng, Director of Finance**

The purpose of the meeting was to discuss personnel matters.

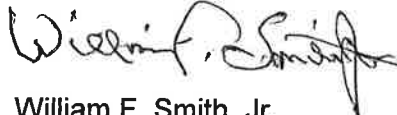
The Executive Session adjourned at 9:19 p.m.

The Special Meeting of the Board of Selectmen reconvened at 9:19 p.m.

IX. **ADJOURNMENT**

ON A MOTION by Selectman Neumann, seconded by Selectman Ballard, the Board voted unanimously (4-0-0) to adjourn the meeting at 9:19 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William F. Smith, Jr.", written in a cursive style.

William F. Smith, Jr.  
Town Manager

**TOWN OF GRANBY  
BOARD OF SELECTMEN  
SPECIAL MEETING  
MINUTES  
JUNE 14, 2021**

The Special Meeting of the Board of Selectmen was called to order by First Selectman B. Scott Kuhnly at 7:00 p.m.

**PRESENT: B. Scott Kuhnly, Glenn Ballard, Sally King, Mark Neumann, William F. Smith Jr., Town Manager**

**ALSO PRESENT: Kimi Cheng, Director of Finance**

**I. MINUTES**

ON A MOTION by Selectman King, seconded by Selectman Neumann, the Board voted (4-0-0) to approve the minutes of the Neighborhood Assistance Act Public Hearing Meeting of May 17, 2021.

**II. UNFINISHED OR TABLED BUSINESS**

**A. Consideration of Ordinance to Prohibit the Intentional Feeding of Bears**

Town Manager Smith explained he spoke to the Town Attorney after the Board meeting of June 8<sup>th</sup> and a proposed ordinance was drafted for the purpose of a Public Hearing. A legal notice must be published 10 days prior to the Public Hearing. If the ordinance passes, it will then need to be published and goes into effect 20 days later. He explained the ordinance was kept simple in order to enforce as necessary.

Selectman Neumann did not have any questions and noted the ordinance is a good blend of Simsbury's ordinance and the ordinance drafted by the previous Town Manager.

Selectmen King agreed with Selectman Neumann.

Selectman Ballard questioned if "Authorized Enforcement Agent of the Town" needs to be anyone other than the Animal Control Officer (ACO) or anyone designated by the Town Manager. Town Manager Smith noted this was recommended by the attorney in case someone is needed to assist with implementation or enforcement. Selectman Ballard also felt this is similar to the Nuisance ordinance but less clear. Selectman King noted the ordinance needs to be as simple and clear as possible, which this document is. It is very similar to Simsbury's ordinance.

The Board then took questions and comments from the public.

Thomas Bunz, 234 Mountain Road – Mr. Bunz stated he feels the ordinance is well written and appreciates it. He thanked everyone for their work in moving this forward.

Elizabeth Hardersen, 41 Twilight Drive – Ms. Hardersen thanked Selectman King for her comments. She noted the ordinance is well worded and believes it is the one that should

be used. She noted she would like to move forward with a hazing program to help people with issues; stating she feels this situation will get worse before it gets better. Next, she would like to move ahead with a hazing program that would be a joint citizen program to help individuals who have a bear problem. First Selectman Kuhnly noted his concern with citizens getting involved and feels any issues should be dealt with by the ACO and/or police. She believes a plan should be put in place to avoid issues when the bear's food source at a home abruptly ends. First Selectman Kuhnly stated individuals should contact DEEP with any issues. Ms. Hardersen will forward information she received from DEEP to the Town Manager.

ON A MOTION by Selectmen Neumann, seconded by Selectman King, the board voted (4-0-0) to move Item A to a Public Hearing. Selectman Neumann suggested Zoom be made available for individuals to participate. The potential date of the hearing will be July 7, 2021.

**B. Consideration of Additional Appropriation for Other Post-Employment Benefits Trust Fund for FY2021-22 Actuarial Determined Contribution**

The Town Manager explained this matter was discussed at the last Board meeting and some questions were raised. The Town actuary had a conversation with him, K. Cheng, Selectman Ballard and Selectman Ohannessian to provide additional information and answer questions. If approved, the appropriation goes to the Board of Finance for their approval to transfer the money to OPEB. Selectman Ballard discussed his concerns and questioned whether we're contributing the necessary amounts or not and feels the Town may be paying amounts that aren't necessary. The Town Manager explained there is an audit every year and the Town has excellence in accounting for all the processes, including this one. He noted there is no question in his mind that this is an appropriate detail of contributing to a trust fund. K. Cheng explained the Town follows GASB Guidelines and received a clean audit. Only a few towns completely separate the OPEB claims expense for retirees and from current employees. It is recommended but not required because it is cumbersome and extra work.

ON A MOTION by Selectman Neumann, seconded by Selectman King, the Board voted (4-1-0) to authorize an additional appropriation of \$431,000.00 from General Fund Balance to OPEB Fund for Fiscal Year 2021-2022 OPEB Actuarially Determined Contribution and forwards this request to the Board of Finance to approve. Selectman Ballard voted no.

**C. Consideration of Ratification of Collective Bargaining Agreement United Public Service Employee Union- Granby Public Works**

Town Manager Smith explained the contract was ratified by the union and discussed by the Board of Selectmen in closed session on June 8, 2021.

ON A MOTION by Selectman King, seconded by Selectman Neumann, the Board voted (4-0-0) to ratify the Collective Bargaining Agreement United Public Service Employees Union – Granby Public Works.

**III. ADJOURNMENT**

ON A MOTION by Selectman King, seconded by Selectman Neumann, the Board voted unanimously (4-0-0) to adjourn the meeting at 7:37 p.m.

Respectfully submitted,



William F. Smith Jr.  
Town Manager

# TOWN OF GRANBY

## MEMORANDUM

DATE: July 7, 2021

TO: Board of Selectmen

FROM: William F. Smith, Town Manager

REGARDING: **V. BUSINESS – ITEM B**

Consideration of Additional Appropriation from Parks & Recreation Fund to Fund Additional \$5,000 for the Small Playground at Salmon Brook Park

### Background

The Town Budget has appropriated \$85,000 for the new small playscape at Salmon Brook Park. Since this initial appropriation, cost of equipment and services has gone up significantly. The Department is requesting an additional \$5,000 to fund the remainder of the project.

### Next Steps

Since we did not anticipate the significant increase in the cost, it was not budgeted in the Fiscal Year 2021-22 adopted budget. Accordingly, I am requesting an additional appropriation from the Recreation Fund Balance in the amount of \$5,000 to fund the project. There are sufficient funds in the Recreation Fund to cover this appropriation.

Pursuant to section 10-6(e) of the Granby Town Charter, I am forwarding the request to you for comment. The Board of Finance will then hear this request for comment as well.

**PROPOSED MOTION:** THE BOARD OF SELECTMEN AUTHORIZES AN ADDITIONAL APPROPRIATION OF \$5,000.00 FROM RECREATION FUND BALANCE TO FUND THE ADDITIONAL COST TO THE SALMON BROOK PARK SMALL PLAYGROUND PROJECT AND FORWARDS THIS REQUEST TO THE BOARD OF FINANCE TO APPROVE.

pc: Kimi Cheng, Director of Finance  
Kristine Vincent, Director of Recreation & Leisure Services

WFS/kc/kv

# TOWN OF GRANBY

## MEMORANDUM

DATE: July 7, 2021

TO: Board of Selectmen

FROM: William F. Smith, Town Manager 

REGARDING: **V. BUSINESS – ITEM C**

Consideration of Action Pertaining to the Ordinance to Prohibit the Intentional Feeding of Bears

Following the public hearing held earlier this evening, the ordinance can be acted upon by the Board with a motion to adopt during the regular meeting. The Board of Selectmen should, of course, consider any input received at the public meeting.

If adopted, the ordinance will be effective twenty days after the legal notice is published.

Enc.

pc: Chief Carl Rosensweig  
ACO Jennifer Abalan

**TOWN OF GRANBY**  
**Ordinance to Prohibit the Intentional Feeding of Bears**  
**Dated \_\_\_\_\_, 2021**

**Purpose**

The Town of Granby, under its powers pursuant to state law, has adopted this ordinance to protect public health, safety, and welfare by prohibiting the intentional feeding of black bears. This ordinance is intended to assist our residents, guests, and other stakeholders to peacefully and safely coexist with them.

**Definitions**

When used in this ordinance, the following definitions apply:

- a. **Authorized Enforcement Agents:** All sworn personnel of the Police Department and Animal Control Officers; additionally, any employees or designees of the town as designated by the Town Manager to enforce this ordinance.
- b. **Person:** An individual, corporation, partnership, non-profit, trust, unincorporated organization, business organization of any kind or any other group or organization.
- c. **Town:** Town of Granby.
- d. **Intentional Feeding of Bears:** Feeding, giving, placing, exposing, depositing, distributing or scattering any edible material, attractant, or other substance with the intention of attracting one or more black bears.
- e. **Unintentional or Indirect Feeding of Bears:** Using or placing any material for a purpose other than to intentionally attract, entice, or feed one or more black bears but which results in unintentionally attracting, enticing, or feeding of one or more black bears.

**Prohibited Activity**

In recognition that these animals are wild and should be left alone for the health, safety, and welfare of both the wildlife and our residents, guests, and other stakeholders, the following is prohibited activity and no person shall engage in:

- a. Intentional feeding of any black bear.
- b. Unintentionally or indirectly Feeding any Black Bear following the issuance of a warning to such person by an Authorized Enforcement Agent of the Town for incidental or indirect feeding. Any person who violates the provisions of the Section shall have committed an infraction.



- c. **Improperly Storing Food, Refuse, or Other Black Bear Attractants:** Includes, but is not limited to the improper storage of food, pet food, refuse (garbage), birdseed or other attractants and substances in a manner that results in black bear feedings.

### **Exceptions**

- a. **Unintentional Feeding of Bears:** Unintentional feeding of one or more black bears means using or placing any material for a purpose other than to intentionally attract, entice, or feed wildlife but which results in unintentionally attracting, enticing, or feeding of bears. Composting that was properly secured but unintentionally led to the feeding of wildlife is excluded. Unintentional feeding will become intentional feeding if a written notice or warning is issued by any Authorized Enforcement Agent of the Town.
- b. **Feeding Birds:** Bird feeders may be used from December 1<sup>st</sup> through March 31<sup>st</sup>. If the food provided is widely recognized as not desirable to bears, such as Nyjer or thistle, bird feeders may be used year-round.

### **Violations and Penalties**

Whenever the Authorized Enforcement Agent determines that a person has violated this ordinance, the Authorized Enforcement Agent is authorized to issue a warning to the violator or to issue a fine to the violator in the amount of two hundred fifty dollars (\$250.00) for each offense. Any violation continued more than one (1) day or which occurs on consecutive and/or subsequent days shall constitute a separate offense for each day such violation continues.

After two or more violations of this ordinance have been cited to any person, the Town may initiate a civil action in the Superior Court for injunctive relief to prohibit and prevent such violation or violations and the court may proceed in the action in a summary matter. Any person found in such a proceeding to have violated this ordinance shall pay all of the costs and fees, including a reasonable attorneys' fee, incurred by the Town in pursuing such an action.

### **Appeals**


Any person receiving a fine may appeal the determination of the Authorized Enforcement Agent. The Notice of Appeal must be received in writing and filed with the Town Clerk's Office within ten (10) business days from receipt of the notice of the fine. The appeal shall be deemed received by the Town on the first business day following the day it is filed with and received by the Town Clerk's Office. Hearing on the appeal before the Hearing Officer shall take place within thirty (30) business days from the date of receipt of the Notice of Appeal. The hearing shall be conducted in a manner consistent with the procedures set forth in Chapter 58, Violation and Citation Hearing Procedures, Article II, Parking and Ordinance Violations, adopted August 9, 1999. The decision of the Hearing Officer may be appealed to the Superior Court.

# TOWN OF GRANBY

## MEMORANDUM

DATE: July 7, 2021

TO: Board of Selectmen

FROM: William F. Smith, Town Manager 

REGARDING: **V. BUSINESS – ITEM D**

Consideration of Establishing a Special Revenue Fund for the American Rescue Plan Act of 2021 (ARPA)

### Background

After the American Rescue Plan Act (ARPA) was signed into law by President Biden on March 11, 2021, it guaranteed direct relief to cities, towns and villages in the United States (Sec. 9901: Coronavirus State and Local Fiscal Recovery Funds). According to the State of Connecticut Office of Policy and Management, Granby is entitled to \$3,405,503.39 (\$2,235,099.85 from the county allocation and \$1,170,403.54 as a non-entitlement unit). Granby will receive two payments from the State. The first payment of \$1,702,751.69 was received on June 22, 2021, and the remaining balance will be received in June 2022.

### Next Steps

Since Granby may use award funds to cover eligible costs incurred during the period that begins on March 3, 2021 and ends on December 31, 2024, our office recommends establishing a special revenue fund to track all the eligible expenses by adoption of the following **resolution**:

**BE IT RESOLVED THAT:** The Board of Selectmen of the Town of Granby hereby establish a fund known as the **ARPA Fund**. Said fund shall be created to assist with tracking all eligible ARPA grant expenditures. The source of this fund shall be from the ARPA allocation.

The Granby Town Manager shall disburse funds in accordance with procedures with Town of Granby policy and grant requirements.

Any balance remaining in said fund, should the fund be dissolved, shall meet the requirements of grant commitments or be returned to the Town's General Fund as determined by the Board of Selectmen.

pc: Kimi Cheng, Director of Finance

WFS/kc

# TOWN OF GRANBY

## MEMORANDUM

DATE: July 7, 2021

TO: Board of Selectmen

FROM: William F. Smith Jr., Town Manager 

REGARDING: V. BUSINESS – ITEM E

Consideration of Personnel Matters (Items Deemed Appropriate for  
EXECUTIVE SESSION)

The Town has reached a tentative agreement with United Public Service Employees Union (UPSEU) – Granby Public Safety Dispatchers, Local 424, Unit 56. The Board should meet in closed session to review the proposed agreement.

Enclosure

pc: Kimi Cheng, Director of Finance

WFS/kc

# TOWN OF GRANBY

## MEMORANDUM

DATE: July 7, 2021

TO: Board of Selectmen

FROM: William F. Smith Jr., Town Manager 

**REGARDING: V. BUSINESS – ITEM F**

Consideration of Ratification of Collective Bargaining Agreement United Public Service Employees Union – Granby Public Safety Dispatchers

The Town has reached a tentative agreement with United Public Service Employees Union (UPSEU) – Granby Public Safety Dispatchers, Local 424, Unit 56. The Board has met in **closed session** to review the proposed agreement. The agreement should then be **VOTED** upon after the closed session and upon reconvening in regular session.

pc: Kimi Cheng, Director of Finance

WFS/kc